

REMARKS

Claims 1-8 are pending in the application. Reexamination and reconsideration are respectfully requested. Applicant's counsel wishes to thank Examiner Conley for the courtesies extended during the telephone interview. The following records the substance of the interview.

In the Office Action, independent claims 1 and 8, along with dependent claims 2-3, 5 and 7 were rejected as being obvious over SEILER (US 4,947,500) in view of BOYD (US 6,253,401). Moreover, dependent claims 4 and 6 were rejected as obvious over SEILER in view of BOYD and further in view of HOVIS et al.. (US 4,867,140). Applicant respectfully traverses these rejections.

Applicant's independent claim 1 recites a mattress system comprising a mattress, a cavity arranged in the mattress and an expandable cushion arranged in the cavity. In pertinent part, a control system operatively coupled with the cushion controls an expansion and contraction of the cushion in order to maintain a cushion pressure in accordance with a weight of a user in proportion to a firmness of the mattress. The control system includes a fluidic pump, a fluid relief mechanism and a fluid pressure switch operable to automatically maintain a defined pressure level in the expandable cushion. Finally, the mattress system includes a mattress protector.

Thus, Applicant's mattress system advantageously provides a control system, utilizing a pump, fluid relief mechanism and fluid pressure switch to expand and contract the cushion in order to maintain a cushion pressure in accordance with a weight of a user in proportion to a firmness of the mattress (see, for example, paragraphs 9, 46 and 51).

In contrast, SEILER fails to disclose a control system as claimed. In particular, SEILER merely shows a control device 17 in block diagram form coupled to a pump 18 (see Figures 1 and 2). SEILER also states generally that valves may serve the purpose of inflating and deflating air-cushion groups (see col. 3, line 66 - col. 4, line 2). However, SEILER neither describes nor even illustrates such valves.

Thus, since SEILER does not describe or suggest such a control system, nor utilize a fluid pressure switch and fluid relief mechanism, SEILER's control device does not maintain a cushion pressure in accordance with a weight of a user in proportion to a firmness of the mattress. Indeed, SEILER teaches away from such a control system since it is SEILER's intent to continually cycle air pressure in various cushion groups in order to move or "push" the patient into different positions to reduce stress due to body weight and to prevent decubitus ulcers (see, for example, col. 2, lines 35-41 and col. 4, lines 33-38).

SEILER therefore teaches away from maintaining a cushion pressure based on a weight of a user in proportion to a firmness of the mattress material.

SEILER tries to provide a cushion pressure which “disturbs” the patient in order to push the patient into different positions. Hence, SEILER’s cushion pressure is generally unrelated to the surrounding mattress material.

The Office Action acknowledges that SEILER fails to disclose the control system maintaining the pressure within the cushion. While true, not only does SEILER not disclose that claimed feature, SEILER, as well as the Office Action, fails to also address the entire claim language, which is to maintain the cushion pressure “in accordance with a weight of a user in proportion to a firmness of the mattress”. And yet, after not discussing the complete claim language, the Office Action goes on to simply conclude that a combination of SEILER with BOYD’s control system would meet the claim language. This is just not true.

While BOYD discloses an air mattress system having various chambers and a display of the chamber pressure, BOYD is wholly unrelated to Applicant’s control system which maintains a cushion pressure in accordance with a weight of a user in proportion to a firmness of the mattress. BOYD is merely a simple air mattress composed of multiple chambers wherein the pressure can vary from chamber to chamber. One skilled in the art does not reach Applicants’ invention even if BOYD’s control system was used in SEILER. That is because SEILER’s system would still operate as designed, that is, to “disturb” or “push” a patient around via use of the air-cushions. No where is there any reference to

maintaining a cushion pressure in accordance with a weight of a user and in proportion to a firmness of the mattress.

Indeed, Applicant's invention has a completely different purpose from both SEILER and BOYD. That is, Applicant utilizes a mattress having a cavity to allow for easy use and disposal of a bed pan. However, when the bed pan is not in use, the expandable cushion is utilized to represent the firmness of the mattress by properly controlling the expansion and contraction thereof in accordance with a weight of a user in proportion to the firmness of the mattress. Thus, the user achieves both a comfortable mattress under normal use as well as an improved bed pan system from that known in the art.

In view of the above, Applicants respectfully submit independent claim 1, as well as similar independent claim 8, are patentable over SEILER in view of BOYD.

Finally, Applicant incorporates his prior arguments with respect to the distinguishing features of the mattress protector as well, since SEILER and BOYD fail to meet those limitations as well.

In view of the foregoing, Applicant requests the early allowance of claims 1-8.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010628.50474C3).

Respectfully submitted,

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